

**RICHMOND POLICE DEPARTMENT GENERAL ORDER**

NOTE: This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be constructed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Chapter 6	Number 30	Effective Date 01/31/11	Review Date 2014
Subject REQUESTING CRIMINAL HISTORY RECORDS			☐ New Order ☒ Replaces G.O. 6-30, (01/22/07)
References CALEA 82.3.6 VLEPSC <i>ADM.25.02a, ADM.25.02b, ADM.25.03a, ADM.25.03b, ADM.25.03c, ADM.25.03d, ADM.25.08a, ADM.25.08b, ADM.25.11</i> VA Code 16.1-301			
 Chief of Police or Designee		01/31/11 Date	

I. PURPOSE

The purpose of this Order is to establish the procedures for law enforcement officers requesting criminal history records.

II. POLICY

It is the policy of the Richmond Police Department to create a criminal history file for each person under custodial arrest and the files shall be compatible with the requirements of the Virginia Central Criminal Records Exchange. Therefore, the Richmond Police Department:

- A. Shall allow the criminal records system to be accessible 24 hours a day;
- B. Will not disseminate information except as provided by law;
- C. Shall prevent unauthorized access and release of information on juvenile records; and,
- D. Shall adhere to the VA State Record Retention Schedule 17.

III. ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this General Order. Failure to comply will result in appropriate corrective action. Responsibility rests with the Division Commander to ensure that any violations of

policy are investigated and appropriate training, counseling, *and*/or disciplinary action is initiated.

IV. PROCEDURE

A. Procedures for Requesting Criminal History Records:

1. The Department conducts the following types Criminal History Records requests:
 - a. Criminal investigations;
 - b. Employment queries;
 - c. Domestic violence; and,
 - d. Firearms Permit.
2. The normal service hours for requesting criminal history record checks at the Information Desk shall be 0800 hours through 1600 hours; Monday through Friday (excludes recognized holidays). After normal service hours, criminal history record requests may also be submitted to Information Desk personnel.
 - a. Requests made between 0800 hours and 1000 hours will normally be available for pick-up by 1600 hours on the day of the request.
 - b. Whenever an emergency and/or an investigative criminal history record are requested, they will be handled as priority items by the Virginia Criminal Information Network (VCIN) certified Central Records personnel.
3. Officers shall always request a criminal history records check for the following reasons:
 - a. To verify other convictions of an arrestee;
 - b. To obtain informant background information; and,
 - c. For court attendance - An officer shall obtain the most recent criminal history record of the arrestee and have it in his/her possession prior to the court date.

NOTE: No completed criminal history record request form will be stored in case folders or files. Upon verification of the requests, the criminal history request forms shall be destroyed.

4. Emergency and Magistrate Requests for Criminal History Record Checks:

- a. VCIN-certified (Level A/B) Information Desk personnel will normally process after hours criminal history requests of an urgent or emergency nature or for officers' presentation to the Magistrate(s).
 - b. If a certified VCIN operator is unavailable or the system is inoperative, the officer shall be directed to the Division of Emergency Communications (DEC) for processing of the request(s). In such instances, the Information Desk personnel will call DEC to verify why an officer is being referred for assistance.
5. Non-urgent Requests for Criminal History Records Checks:

All non-urgent criminal history record requests received after normal working hours will be forwarded to the Records Section by the Information Desk personnel for processing at 0800 hours of the following workday.

NOTE: If an arrestee is carrying a firearm, arrested for shoplifting or if the situation involves a domestic assault, officers may also obtain criminal history records checks from DEC via radio frequency. All other criminal history requests should be obtained from DEC via telephone.
- B. Procedures for Requesting Criminal Record Checks for a Juvenile Detainee:
 1. The Richmond Police Department will take special precautions in maintaining juvenile criminal history records to ensure confidentiality regarding those records.
 2. All requests for juvenile records by Richmond Police Officers shall be directed to the Youth and Family Crimes Team. Juvenile records shall only be released to law enforcement officers of other jurisdictions upon court order.
 3. Juvenile arrest information will be retained and disposed of in accordance with General Schedule 17 of the Records Retention Schedule. The record will be retained for 5 years after the juvenile reaches the age of majority and then destroyed in accordance with the State's Retention Schedule 17.
 4. In accordance with VA Code §16.1-301, juvenile criminal records shall be kept separate from adult criminal records.
- C. Procedures and Criteria for Release of Agency Records:
 1. All law enforcement officers shall be required to submit a written request to obtain agency records, except in the situations cited above in Sections A and B.

2. Upon receipt of the written request, agency files will be queried and the criminal history records check will be provided.
3. Whenever a citizen requests a criminal history record, he/she shall be required to submit a written request along with some form of positive identification in order to obtain a record of the local of non-reportable misdemeanor offense.
4. Other agencies shall also be required to submit a written request form and a release of information affidavit to obtain the local record of non-reportable misdemeanor offenses for a third party.

D. Procedures for Security and Controlling Access to Department Files:

1. The Central Records Unit's personnel provide controlled security based on restricted security access to the Department's files.
2. Any law enforcement officer requiring a criminal history records check must follow the established guidelines to obtain the record.

E. Criminal History Records Request Forms:

1. Richmond Police officers requesting criminal record checks on individuals may use a ***Criminal History Record*** Request form (PD-131). If the "Complete" box on the form is checked by the officer, the form will be given to the Records Section's personnel to run the record. Based on the urgency of the request, the officer may either wait for the processing or drop off the request form for pick-up at a later time. If a request is submitted between 0800 – 1000 hours, the officer may pick-up the completed criminal history record check by 1600 hours on the same day.
2. A complete criminal history record will contain arrest information from the Central Criminal Records Exchange (CCRE) and departmental files.
3. If the "Magistrate" box on the PD-131 form is checked by the officer, the form will be given to the Warrant/Information Desk's personnel to run the record and the officer must wait for it.
4. When a citizen makes a request for a criminal background check for him/her self, a CR-2 form (Central Records in-house form) will be used by the Central Records Unit's personnel to process the request. There is normally a 24 hour processing time required for this type of record request. This request shall be processed by the Central Records Unit's personnel.
5. A CS260285 form shall be used when either another agency and/or other law enforcement agency requests a local criminal history records check on an individual. Normally, the requesting agency's personnel will wait for the processing to be completed by the Central Records Unit's personnel.

NOTE: Requests by individuals or non-criminal justice agencies concerning criminal history information for offenses, which are reportable to the Central Criminal Records Exchange, must be directed to the Virginia State Police.

V. FORMS

- A. PD-131, Criminal History Records Request
- B. CR-2 Form
- C. CS260285 Form